

Pro Se 14 (Rev. 12/16) Complaint for Violation of Civil Rights (Prisoner)

FILED
U.S. DISTRICT COURT
DISTRICT OF NE

UNITED STATES DISTRICT COURT

2024 MAY 23 AM 10:22
OFFICE OF THE CLERK

for the
District of

Division

Case No.

8:24CV185

(to be filled in by the Clerk's Office)

Jacob A. Thompson Sr.

Plaintiff(s)

(Write the full name of each plaintiff who is filing this complaint. If the names of all the plaintiffs cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

-v-

Douglas County Corrections

Defendant(s)

(Write the full name of each defendant who is being sued. If the names of all the defendants cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names. Do not include addresses here.)

COMPLAINT FOR VIOLATION OF CIVIL RIGHTS

(Prisoner Complaint)

NOTICE

Federal Rules of Civil Procedure 5.2 addresses the privacy and security concerns resulting from public access to electronic court files. Under this rule, papers filed with the court should *not* contain: an individual's full social security number or full birth date; the full name of a person known to be a minor; or a complete financial account number. A filing may include *only*: the last four digits of a social security number; the year of an individual's birth; a minor's initials; and the last four digits of a financial account number.

Except as noted in this form, plaintiff need not send exhibits, affidavits, grievance or witness statements, or any other materials to the Clerk's Office with this complaint.

In order for your complaint to be filed, it must be accompanied by the filing fee or an application to proceed in forma pauperis.

RECEIVED

MAY 23 2024

CLERK
U.S. DISTRICT COURT

I. The Parties to This Complaint**A. The Plaintiff(s)**

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

Name Jacob A. Thompson Sr.
 All other names by which
 you have been known: _____
 ID Number 1172790
 Current Institution Douglas County Corrections
 Address 710 S. 17th St. Omaha, NE 68102
Omaha NE 68102
City State Zip Code

B. The Defendant(s)

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. Make sure that the defendant(s) listed below are identical to those contained in the above caption. For an individual defendant, include the person's job or title (*if known*) and check whether you are bringing this complaint against them in their individual capacity or official capacity, or both. Attach additional pages if needed.

Defendant No. 1

Name Michael Myers
 Job or Title (*if known*) Director of Douglas County Corrections
 Shield Number refused to provide
 Employer Douglas County Corrections.
 Address 710 S. 17th St.
Omaha NE 68102
City State Zip Code
☒ Individual capacity ☒ Official capacity

Defendant No. 2

Name Lt. Sanduski
 Job or Title (*if known*) Lieutenant
 Shield Number 3258
 Employer Douglas County Corrections
 Address 710 S. 17th St.
Omaha NE 68102
City State Zip Code
☒ Individual capacity ☒ Official capacity

Defendant No. 3

Name

Sgt. Dutcher

Job or Title (if known)

Seargent

Shield Number

Refused to provide

Employer

Douglas County Corrections

Address

710 S. 17th St.

Omaha

City

NE

State

68102

Zip Code

☒ Individual capacity☒ Official capacity

Defendant No. 4

Name

Duane J. Wilson III

Job or Title (if known)

CO1

Shield Number

9854

Employer

Douglas County Corrections

Address

710 S. 17th St.

Omaha

City

NE

State

68102

Zip Code

☒ Individual capacity☒ Official capacity

II. Basis for Jurisdiction

Under 42 U.S.C. § 1983, you may sue state or local officials for the “deprivation of any rights, privileges, or immunities secured by the Constitution and [federal laws].” Under *Bivens v. Six Unknown Named Agents of Federal Bureau of Narcotics*, 403 U.S. 388 (1971), you may sue federal officials for the violation of certain constitutional rights.

A. Are you bringing suit against (check all that apply):

☐ Federal officials (a *Bivens* claim)

☒ State or local officials (a § 1983 claim)

B. Section 1983 allows claims alleging the “deprivation of any rights, privileges, or immunities secured by the Constitution and [federal laws].” 42 U.S.C. § 1983. If you are suing under section 1983, what federal constitutional or statutory right(s) do you claim is/are being violated by state or local officials?

The right to not be retaliated against after filing PREA 8th Amendment
The right to not allow the accused to use color of law to retaliate.

71-6902, 71-6917, Right to grievance + PREA process without retaliation.

8th amendment Grievance of sensitive nature, 72-1-004-004.3 72-003-003.5

→ Cruel + unusual punishment

C. Plaintiffs suing under *Bivens* may only recover for the violation of certain constitutional rights. If you are suing under *Bivens*, what constitutional right(s) do you claim is/are being violated by federal officials?

- D. Section 1983 allows defendants to be found liable only when they have acted "under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory or the District of Columbia." 42 U.S.C. § 1983. If you are suing under section 1983, explain how each defendant acted under color of state or local law. If you are suing under *Bivens*, explain how each defendant acted under color of federal law. Attach additional pages if needed.

I've used the grievance procedure to grieve this issue over & over. From what I get back they basically are calling me a liar.

From the director down my claims were ignored & COI Wilson was allowed to retaliate "using color of law."

III. Prisoner Status

Indicate whether you are a prisoner or other confined person as follows (check all that apply):

- ☒ Pretrial detainee
- ☐ Civilly committed detainee
- ☐ Immigration detainee
- ☐ Convicted and sentenced state prisoner
- ☐ Convicted and sentenced federal prisoner
- ☐ Other (explain) _____

IV. Statement of Claim

State as briefly as possible the facts of your case. Describe how each defendant was personally involved in the alleged wrongful action, along with the dates and locations of all relevant events. You may wish to include further details such as the names of other persons involved in the events giving rise to your claims. Do not cite any cases or statutes. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.

- A. If the events giving rise to your claim arose outside an institution, describe where and when they arose.

7-15-23 CO Wilson tells me he can suck a golf ball through a garden hose & other derogatory statements. I report it & Sgt. Dutcher basically calls me a liar but moves me to a new cell. Later, they allow Wilson to work around me giving him opportunity to retaliate. He makes things up to give me lockdown time & they back him up. The director wrote me back but closed the grievance so I couldn't respond to their questions. Even though I listed 7 witnesses they determined no wrongdoing, even though he was punished secretly. Losing vacation time per CO Black.

- B. If the events giving rise to your claim arose in an institution, describe where and when they arose.

Douglas County Correction 7-15-23, sometime during the day. I put it before I think. Mtd.

- C. What date and approximate time did the events giving rise to your claim(s) occur?

7-15-23 around 1 PM or so.

- D. What are the facts underlying your claim(s)? (For example: What happened to you? Who did what? Was anyone else involved? Who else saw what happened?)

CO Wilson, he states he "thought I said you suck dick." Claims he's hard of hearing... But out of the blue during our conversation states he can suck the chrome off a bumper, suck a golf ball through a garden hose, & makes comments to the like. Myself & all the inmates stop & are "like whoa, you can't say that stuff." He starts raising his eyebrows as if I should be impressed. He then starts "using finger guns towards me." I tell him I'm filing PRA & that he's out of line. He then writes up a report saying I cussed him out, that never happened. 2 inmates ask to be listed as witnesses.

V. Injuries

If you sustained injuries related to the events alleged above, describe your injuries and state what medical treatment, if any, you required and did or did not receive.

Mentally, yes I've been retaliated against for 7 months now. Placed on several months of lockdown on units he's working. He continually lies & says I do things that I'm not doing. I was placed on med 20 & he told another CO, after having me placed on segregation & confinement, Black to tell me hi. That he won. I have extreme anxiety & feel powerless. I fear for more punishment to come every day. Staff have backed CO Wilson & found ways to lie & get me more lockdown time. Keeping me cut off from my family & friends. I now hear voices & have extreme paranoia. I worry about adjusting back to general population let alone to be a father & family manager. My mind races from 5 months of isolation. I've reported abuse to everyone I can & all I get back is "found to have no merit."

VI. Relief

State briefly what you want the court to do for you. Make no legal arguments. Do not cite any cases or statutes. If requesting money damages, include the amounts of any actual damages and/or punitive damages claimed for the acts alleged. Explain the basis for these claims.

I would like to be paid for my mental anguish & the time I've had taken away from being able to contact my family. The amount of stress & anxiety I've dealt with in isolation is unbelievable. I'm now hearing voices & begging to be off lockdown & away from CO Wilson, who still works around me after filing PRA & a physical altercation. I'm requesting \$40,000,000 in damages. The basis for my claims is that, due to 5 months in isolation, I cry constantly from worry. I hear voices. I have anxiety disorder. I no longer have faith or feel safe in this facility. I'm cut off from my family & unable to make plans for my youngest daughter. Her grandmother is dying, just taken off life support & she has custody of her. The anxiety of not having contact with people for this long is killing me.

VII. Exhaustion of Administrative Remedies Administrative Procedures

The Prison Litigation Reform Act ("PLRA"), 42 U.S.C. § 1997e(a), requires that "[n]o action shall be brought with respect to prison conditions under section 1983 of this title, or any other Federal law, by a prisoner confined in any jail, prison, or other correctional facility until such administrative remedies as are available are exhausted."

Administrative remedies are also known as grievance procedures. Your case may be dismissed if you have not exhausted your administrative remedies.

A. Did your claim(s) arise while you were confined in a jail, prison, or other correctional facility?

☒ Yes

☐ No

If yes, name the jail, prison, or other correctional facility where you were confined at the time of the events giving rise to your claim(s).

Douglas County Corrections

B. Does the jail, prison, or other correctional facility where your claim(s) arose have a grievance procedure?

☒ Yes

☐ No

☐ Do not know

C. Does the grievance procedure at the jail, prison, or other correctional facility where your claim(s) arose cover some or all of your claims?

☒ Yes

☐ No

☐ Do not know

If yes, which claim(s)?

- D. Did you file a grievance in the jail, prison, or other correctional facility where your claim(s) arose concerning the facts relating to this complaint?

☒ Yes

☐ No

If no, did you file a grievance about the events described in this complaint at any other jail, prison, or other correctional facility?

☐ Yes

☐ No

- E. If you did file a grievance:

1. Where did you file the grievance?

On the tablet in Douglas County Corrections

2. What did you claim in your grievance?

That I was being sexually harassed & retaliated against.

3. What was the result, if any?

They dismissed my grievances & said sue them, or follow through with my suit. Stated "no merit."

4. What steps, if any, did you take to appeal that decision? Is the grievance process completed? If not, explain why not. (Describe all efforts to appeal to the highest level of the grievance process.)

They dismissed my appeals also.

F. If you did not file a grievance:

1. If there are any reasons why you did not file a grievance, state them here:

I've been scared of further staff retaliation, but I've filed.

2. If you did not file a grievance but you did inform officials of your claim, state who you informed, when and how, and their response, if any:

G. Please set forth any additional information that is relevant to the exhaustion of your administrative remedies.

I've reached out to mental health, nurses & any other staff that will listen & explained the situation.

(Note: You may attach as exhibits to this complaint any documents related to the exhaustion of your administrative remedies.)

VIII. Previous Lawsuits

The “three strikes rule” bars a prisoner from bringing a civil action or an appeal in federal court without paying the filing fee if that prisoner has “on three or more prior occasions, while incarcerated or detained in any facility, brought an action or appeal in a court of the United States that was dismissed on the grounds that it is frivolous, malicious, or fails to state a claim upon which relief may be granted, unless the prisoner is under imminent danger of serious physical injury.” 28 U.S.C. § 1915(g).

To the best of your knowledge, have you had a case dismissed based on this “three strikes rule”?

☐ Yes

☒ No

If yes, state which court dismissed your case, when this occurred, and attach a copy of the order if possible.

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- A. Have you filed other lawsuits in state or federal court dealing with the same facts involved in this action?

☐ Yes

☒ No

- B. If your answer to A is yes, describe each lawsuit by answering questions 1 through 7 below. *(If there is more than one lawsuit, describe the additional lawsuits on another page, using the same format.)*

1. Parties to the previous lawsuit

Plaintiff(s) _____

Defendant(s) _____

2. Court *(if federal court, name the district; if state court, name the county and State)*

3. Docket or index number

4. Name of Judge assigned to your case

5. Approximate date of filing lawsuit

6. Is the case still pending?

☐ Yes

☐ No

If no, give the approximate date of disposition. _____

7. What was the result of the case? *(For example: Was the case dismissed? Was judgment entered in your favor? Was the case appealed?)*

- C. Have you filed other lawsuits in state or federal court otherwise relating to the conditions of your imprisonment?

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☐ Yes☒ No

D. If your answer to C is yes, describe each lawsuit by answering questions 1 through 7 below. *(If there is more than one lawsuit, describe the additional lawsuits on another page, using the same format.)*

1. Parties to the previous lawsuit

Plaintiff(s) _____

Defendant(s) _____

2. Court *(if federal court, name the district; if state court, name the county and State)*

3. Docket or index number

4. Name of Judge assigned to your case

5. Approximate date of filing lawsuit

6. Is the case still pending?

☐ Yes

☐ No

If no, give the approximate date of disposition _____

7. What was the result of the case? *(For example: Was the case dismissed? Was judgment entered in your favor? Was the case appealed?)*

IX. Certification and Closing

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

A. For Parties Without an Attorney

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date of signing: _____

Signature of Plaintiff

Printed Name of Plaintiff

Prison Identification #

Prison Address

Jacob A. Thompson Sr.
 1172790
 710 S. 17th St.
 Omaha NE 68102
 City State Zip Code

B. For Attorneys

Date of signing: _____

Signature of Attorney

Printed Name of Attorney

Bar Number

Name of Law Firm

Address

 City State Zip Code

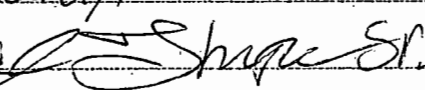
Telephone Number

E-mail Address

On or about 7-15-23 C.O. Wilson made several sexual comments to me. At that point I stated "you can't talk to me like that." I also stated that I wanted to file PREA. At this point CO Wilson takes my "rec" + writes me up for "cussing him out + yelling at him through the door." CO Wilson made wholly untruthful claims that were held up by the sergeants. A couple days later I finally get to fill out an official report. Sgt. Dutcher moves me from med D to ^{med} C. Shortly after that I'm told, despite me having 7 witnesses^{es}, that my claims "held no merit." I'm stunned because I told the truth. Several times after this they allow CO Wilson to work around me. Each time I ask to speak with a Sgt., but I'm denied. Several months later I'm sent to lockdown, med C, that Wilson is now working. I again ask for a Sgt. + am denied. I report him taking my rec day after day. He then starts to write me up for "cussing him out," bold lies, that are upheld by the Sgt's. "It's his word vs. mine." Several months later, again, I'm placed on med 20. I was placed on med 20 the 1st time for flinching at CO Wilson out of frustration after a case management meeting where he again lied to get me more lockdown time. At this point the total was around 60 days, from returning to Med C. After returning to med 20 he wakes me up on a Saturday morning by banging as loudly as possible on my window. I ask for a Sgt., again, + he denies me my lawyer visit at this point. He then stands outside my window + explains to me how he's using his color of law to "let me know in every way possible how unhappy he is that I filed PREA against him." Over the months he would tell other CO's to tell me hi + that he was upset about losing his vacation days. CO Black explained this to me when I 1st came to med 20 originally. Every time I've

pointed out that he's retaliated against me or done something new the director, captain, Lt's, Sgt's & other CO's rally to protect him. CO Leidenhoff explained to me that "they'll always choose blue over orange." I've now been in isolation over 5 months, I've begun hearing voices & have extreme depression & anxiety. I've begged for help & just to have contact with my family. Because of my treatment in this facility I felt pressured enough to take a plea deal just to leave. I've been retaliated against over & over. Staff have twice now "lost" my property. They declined me access to report a broken wrist. They've mishandled my Dr's appointments so badly I ~~was~~ unable to have the surgery that was needed to repair my wrist. They continue to allow CO Wilson to work around me & retaliate against me with frivolous write ups. I've also used the F.O.I.A. process to gain access to documents & been denied for false pretenses. My ability to acquire legal paperwork has also been hindered. My access to the law library & lawyers has been hindered as well. I've been unable to communicate with my family for 7 months. Contacting my family would give me access to lawyers & information I need to file my lawsuits. I've been held in my cell for all but 5 hours a week for 4 months & let out 2 hours a day the other 3. Only able to use the phone 1 of those 2 hours. This is filed "In forma pauperis." I can not afford filing fees.

Sincerely,

Jacob A Thompson Sr.  Shyne Sr.

Jacob A Thompson Sr.
1172790 Mad D
Douglas County
Department of corrections
710 S. 17th St.
Omaha, NE 68102



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Clerk of the district court Roman L. Hruska
111 South 18th plaza suite 1152
Omaha, NE 68102



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